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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045849
Party	Plaintiff Primepay, Inc.
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Submission	Response to Board Order/Inquiry
Filer's Name	Mark Lebow
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Signature	/ml/
Date	09/14/2009
Attachments	2009-09-14 Petitioner's Response to Board Order of August 13, 2009.pdf ( 1 page )(52341 bytes ) 2009-07-29 Notice of Appeal on Civil Action.pdf ( 2 pages )(32597 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PRIMEPAY, INC.,

Petitioner,

vs.

PRIMEPOINT, LLC,

Respondent.

Cancellation No. 92045849

**PETITIONER'S RESPONSE TO BOARD ORDER OF AUGUST 13, 2009**

In response to the Board's request for the status of the civil action that occasioned the suspension of this proceeding, Petitioner advises that on July 29, 2009 it filed a Notice of Appeal from the judgment of the District Court before which the civil action was pending. A copy of the Notice of Appeal is attached hereto. Accordingly, and pending disposition of the appeal, continuation of the suspension in this proceeding is requested.

Respectfully submitted,

Mark Lebow

Mark Lebow

Attorney for Petitioner

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September 14, 2009

**CERTIFICATE OF SERVICE**

I hereby certify the foregoing Petitioner's Response In Opposition To Respondent's Motion For Suspension In View of Civil Proceedings was sent by first class mail, postage prepaid, to Jordan LaVine, Esq. Attorneys for Petitioner, Flaster Greenberg P.C., 1628 John F. Kennedy Blvd., Suite 1500, Philadelphia, PA 19103 this 14th day of September 2009.

/Hue Morrison

Hue Morrison

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*Attorneys for defendant/counterclaim-plaintiff PrimePay, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

PRIMEPOINT, L.L.C.,

Plaintiff / Counterclaim-Defendant,

v.

PRIMEPAY, INC.,

Defendant / Counterclaim-Plaintiff.

Civil Action No. 1 :06-CV-01551 (RMB-JS)

**NOTICE OF APPEAL**

NOTICE is hereby given that defendant / counterclaim-plaintiff PrimePay, Inc. hereby appeals to the United States Court of Appeal for the Third Circuit from the final judgment of the District Court entered on June 30, 2009.

DATED: July 29, 2009

/s/ Philip S. Burnham, II  
Philip S. Burnham, II, Esq.

*Attorney for defendant/counterclaim-  
plaintiff PrimePay, Inc.*

**CERTIFICATE OF SERVICE**

I, Philip S. Burnham hereby certify that on July 29, 2009 I caused to be electronically filed a true and correct copy of the foregoing Notice of Appeal with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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/s/ Philip S. Burnham, II  
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